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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER KANAAN, SIMON P				
ART UNIT		PAPER NUMBER		
2432				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/565,158

**Applicant(s)**

AKIHATA, MAKOTO

**Examiner**

SIMON KANAAN

**Art Unit**

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to applicant's amendment filed on 4/26/2010 for Application No. 10/565158.

**Applicant's arguments:**

2. Applicant's arguments/amendments are accepted as overcoming the previously filed 35 U.S.C. 101 and 35 U.S.C. 112 rejections of the previous Office Action.
3. Applicant's arguments that the cited prior art does not disclose "setting means for setting said plurality of content data items stored in said storage means to reproducible".

**Response to applicant's arguments:**

4. Applicant's arguments/ amendments with respect to pending claims 1 through 14 filed 4/26/2010, have been fully considered and are not fully persuasive. Irwin, column 5, lines 60-61, teaches having a set of digital content which is a plurality of content data items, lines 45-46, teaches the digital content can be movies, audio files, pictures and more, line 64, teaches registering device, and lines 10-30, teaches creating a digital rights package associated with the content and transmitting it to requesting registered device. i.e. the digital rights of the requesting device's plurality of content data items will be set. And Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section. and column 48, lines 36 through 54, rights to store/make copies are not granted untill user decides to purchase the music.

**Claim Rejections - 35 USC § 103**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-3, and 5-14 are rejected under 35 U.S.C. 103(a) as being anticipated by Irwin et al. (US PreGrant publication 7,289,273 B2) in view of Stefik (US Patent No: 5,715,403)

**As per claim 1, Irwin discloses** content data reproduction apparatus for reproducing content data, said content data reproduction apparatus comprising:

- reception means for receiving from said registration confirmation apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user has been registered; - Irwin, columns 6, lines 1-32, col. 20, lines 23-60; consumer device i.e. repository requests data from an intermediate rights provider registering itself

storage means for storing content data acquired from a content data provision apparatus, said content data including a plurality of content data items each - Irwin, columns 5, lines 40-67, consumer device is an mp3 player which store data and column 5, line 60-61, teaches having a set of digital content, lines 45-46, teaches the digital content can be movies, audio files, pictures and more, line 64, teaches registering device, and lines 10-30 teaches creating a digital rights package associated with the content and transmitting it to requesting registered device. i.e. the digital rights of the requesting device's plurality of content data items will be set.

but fails to disclose said content data which is prohibited from being stored in a location external to said content data reproduction apparatus; setting means for setting said content data stored in said storage means to be reproducible when said reception means receives said registration confirmation signal and after said content data is acquired and stored by the storage means; and

reproduction means for reproducing said content data when a reproduction command for said content data is input via an input means while said content data is being set to reproducible by said setting means.

However, Stefik discloses said content data which is prohibited from being stored in an external section; - Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section.

setting means for setting said plurality of content data items stored in said storage means to reproducible when said reception means receives said registration confirmation signal; - Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music.

and reproduction means for reproducing one of said plurality of content data items when a reproduction command for the one of said plurality of content data items is input via an input means while said plurality of content data items are being set to reproducible by said setting means. - Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the data reproduction device as described by Irwin and the digital rights management as taught by Stefik in order to implement a DRM for external storage.

**As per claim 2, Irwin in view of Stefik discloses** The content data reproduction apparatus according to claim 1, wherein when an operation to purchase said content data which

is associated with attribute information informing that said content data is prohibited from being stored in the location external to said content data reproduction apparatus is performed, - Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section.

said content data reproduction apparatus transmits to a content data sales apparatus a purchase notification signal which notifies said content data sales apparatus of an intention to purchase said content data, -Irwin figure 3, consumer device requests play from content server and obtains rights, consumer requests to purchase media and gets updates rights upon receiving signal from license server

and then when receiving from said content data sales apparatus a sale notification signal which notifies said content data reproduction apparatus that a sale of said content data is completed, -Irwin figure 3 teaches the purchased data rights transmitted to consumer device

said content data reproduction apparatus changes said attribute information of said content data such that said attribute information informs that said content data is allowed to be stored in the location external to said content data reproduction apparatus. -Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music. User gets the right given the choices they make. If they are not paying they would be able to view it only if they pay they would get rights to copy. Once user pays the rights associated with the music are updated to allow user to make copies.

**As per claim 3, Irwin in view of Stefik discloses** The content data reproduction apparatus according to claim 2, wherein said attribute information informing that said content data is allowed to be stored in the location external to said content data reproduction apparatus shows permission of outputting said content data to an external section as if said content data is lent out, or permission of outputting said content data to the location external to said content data reproduction apparatus as well as deleting said content data from said storage means. -Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music. User gets the right given the choices they make. If they are not paying they would be able to view it only if they pay they would get rights to copy. Once user pays the rights associated with the music are updated to allow user to make copies.

**As per claim 5, Irwin in view of Stefik discloses** The content data reproduction apparatus according to claim 1, further comprising: readout means for reading out said content data from a storage medium, wherein said storage means stores said content data read by said readout means. -Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music. User gets the right given the choices they make. If they are not paying they would be able to view it only if they pay they would get rights to copy. Once user pays the rights associated with the music are updated to allow user to make copies. User being able to view the music file is reading it out.

**As per claim 6, Irwin in view of Stefik discloses** The content data reproduction apparatus according to claim 1, wherein said content data provided from said content data

provision apparatus is associated with attribute information informing that said content data is prohibited from being output to the location external to said content data reproduction apparatus.

- Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section.

**As per claim 7, Irwin in view of Stefik discloses** The content data reproduction apparatus according to claim 6, further comprising: output means for outputting content data to the location external to said content data reproduction apparatus; and output control means for controlling said output means such that said content data is not output when the attribute information of said content data informs that the outputting of said content data is prohibited. - Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section. Column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music. User gets the right given the choices they make. If they are not paying they would be able to view it only if they pay they would get rights to copy. Once user pays the rights associated with the music are updated to allow user to make copies. User being able to view the music file is reading it out. So Stefik discloses the a digital work can have permission rights associated with it which only allows user to view it and it can have rights to make copies and it can have multiple rights given what user chooses. Hence user can have one right till they make the purchase and their right changes i.e. receive additional rights to the digital media.

**As per claim 8, Irwin discloses** A registration confirmation apparatus comprising:  
reception means for receiving from content data reproduction apparatus a confirmation request signal which requests said registration confirmation apparatus to confirm whether or not said content data reproduction apparatus or a user thereof has been registered, - Irwin figure 3,  
consumer device requests play from content server and obtains rights, consumer requests to purchase media and gets updates rights upon receiving signal from license server

said content data reproduction apparatus configured to reproduce content data; - Irwin, column 19, lines 35 through 52, content device is able to reproduce data

first storage means for storing apparatus identification information identifying said content data reproduction apparatus or user identification information identifying said user, - Irwin, figure 3

but fails to disclose along with payment status information showing a payment status of said content data reproduction apparatus or said user; determination means for checking said first storage means based on said apparatus identification information or said user identification information shown by the received confirmation request signal to determine whether or not said content data reproduction apparatus or said user thereof has been properly charged payment; and transmission means for transmitting to said content data reproduction apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user thereof has been registered and that a plurality of content data items stored in said content data reproduction apparatus may be set to a reproducible state, in response to the determination result of said determination means.

However, Stefik discloses along with payment status information showing payment status of said content data reproduction apparatus or said user; determination means for checking said first storage means based on said apparatus identification information or said user identification information shown by the received confirmation request signal to determine whether or not said content data reproduction apparatus or said user has been properly charged; - Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music.

and transmission means for transmitting to said content data reproduction apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user thereof has been registered and that a plurality of content data items stored in said content data reproduction apparatus may be set to a reproducible state, in response to the determination result of said determination means. - Stefik, columns 27 and 28, repositories communicate insuring other is registered and a message indicating registration is sent

Irwin and Stefik are analogous art because they are from the same field of endeavor of electronic digital rights management.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the data reproduction device as described by Irwin and and the digital rights management as taught by Stefik in order to implement a DRM for external storage.

**As per claim 9, Irwin in view of Stefik discloses** The registration confirmation apparatus according to claim 8, further comprising: second storage means for storing content data; and content data transmission means for transmitting to said content data reproduction

apparatus said content data stored in said second storage means, in response to a request from said content data reproduction apparatus. – Irwin figure 3, and Stefik, columns 27 and 28, repositories communicate insuring other is registered and a message indicating registration is sent. There are two repositories which store and transmit the data between them.

**As per claim 10, Irwin in view of Stefik discloses** The registration confirmation apparatus according to claim 9, wherein said content data transmission means transmits to said content data reproduction apparatus said content data which is prohibited from being stored from said content data reproduction apparatus to a location external to said content data reproduction apparatus. - Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section.

**As per claims 11 and 13, Irwin discloses** A content data reproduction method of a content data reproduction apparatus for reproducing content data, said content data reproduction method comprising: transmitting to registration confirmation apparatus a confirmation request signal which requests the registration confirmation apparatus to confirm whether or not said content data reproduction apparatus or a user thereof has been registered; - Irwin figure 3

But fails to disclose receiving from said registration confirmation apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user thereof has been registered; storing in a storage means content data acquired from content data provision apparatus, said content data including a plurality of content data items each prohibited

from being stored in the location external to said content data reproduction apparatus; setting said plurality of content data items stored in said storage means to reproducible when said registration confirmation signal is received from said registration confirmation apparatus and after said content data is acquired and stored by said storage means; and reproducing one of said plurality of content data items when a reproduction command for said plurality of content data items are input via an input means while said content data is being set to reproducible.

However Stefik discloses receiving from said registration confirmation apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user thereof has been registered; - Stefik, columns 27 and 28, repositories communicate insuring other is registered and a message indicating registration is sent. signal sent informing repository that user is registered

storing in a storage means content data acquired from content data provision apparatus, said content data including a plurality of content data items each prohibited from being stored in the location external to said content data reproduction apparatus; - Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section.

setting said plurality of content data items stored in said storage means to reproducible when said registration confirmation signal is received from said registration confirmation apparatus and after said content data is acquired and stored by said storage means; - Stefik, column 46, line 52 to column 47, line 21, different rights can be set to digital media. One of the rights can be to only play the file and not be able to copy it hence not be able to store it in an external section.

and reproducing one of said plurality of content data items when a reproduction command for said plurality of content data items are input via an input means while said content data is being set to reproducible.- Stefik, column 48, lines 36 through 54, rights to store/make copies are not granted till user decides to purchase the music.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the data reproduction device as described by Irwin and the digital rights management as taught by Stefik in order to implement a DRM for external storage.

**As per claims 12 and 14, Stefik discloses** A registration confirmation method of registration confirmation apparatus, said registration confirmation a confirmation request signal which requests to confirm whether or not said content data reproduction apparatus or a user thereof has been registered, said content data reproduction apparatus configured to reproduce content data; - Irwin figure 3 and columns 6, lines 1-32, consumer device i.e. repository requests data from an intermediate rights provider registering itself

But fails to disclose determining whether or not said content data reproduction apparatus or said user thereof has been properly charged by checking a storage means based on apparatus identification information identifying said content data reproduction apparatus or user identification information identifying said user including in the received confirmation request signal, said storage means storing said apparatus identification information or said user identification information along with payment status information showing payment status of said content data reproduction apparatus or said user thereof; and transmitting to said content data reproduction apparatus a registration confirmation signal which informs that said content data

reproduction apparatus or said user thereof has been registered and that a plurality of content data items stored in said content data reproduction apparatus may be set to a reproducible state, in response to the determination result.

However Stefik discloses determining whether or not said content data reproduction apparatus or said user thereof has been properly charged by checking a storage means based on apparatus identification information identifying said content data reproduction apparatus or user identification information identifying said user including in the received confirmation request signal, said storage means storing said apparatus identification information or said user identification information along with payment status information showing payment status of said content data reproduction apparatus or said user thereof; - Stefik, column 8, lines 1-33 and figure 3, repositories connecting to credit server which handles payments and sends correct information to repositories informing them whether user is authorized or not.

and transmitting to said content data reproduction apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user thereof has been registered and that a plurality of content data items stored in said content data reproduction apparatus may be set to a reproducible state, in response to the determination result- Stefik, columns 27 and 28, repositories communicate insuring other is registered and a message indicating registration is sent.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the data reproduction device as described by Irwin and the digital rights management as taught by Stefik in order to implement a DRM for external storage.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being anticipated by Irwin in view of Stefik and further in view of Lin (US Patent No: 6,275,693 B1)

As per claim 4, Irwin in view of Stefik discloses the content data reproduction apparatus according to claim 1,

but fails to disclose wherein said transmission means transmits said confirmation request signal to said registration confirmation apparatus each time when said content data reproduction apparatus is powered on

However, Lin discloses wherein said transmission means transmits said confirmation request signal to said registration confirmation apparatus each time when said content data reproduction apparatus is powered on—Lin, column 4, lines 35-43, discloses powering on a device and registering it and that is a well known in the art to so, hence done automatically.

It would have been obvious at the time of the invention to modify the device registration as disclosed in Irwin with the mobile device registration as disclosed in Lin because it is desirable to connect to network automatically upon powering up of device as disclosed in Lin—Lin, column 4, lines 35-43, discloses powering on a device and registering it and that is a well known in the art to so, hence done automatically.

#### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Kanaan whose telephone number is (571)270-3906. The examiner can normally be reached on Mon-Thurs 7:30-5:00 EST.

If attempts to reach the above noted Examiner by telephone are unsuccessful, the Examiner's supervisor, Gilberto Barron, can be reached at the following telephone number: (571) 272-3799.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/SIMON KANAAN/  
Examiner, Art Unit 2432

/Gilberto Barron Jr./  
Supervisory Patent Examiner, Art Unit 2432